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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,216	12/29/1999	OLEG B. RASHKOVSKIY	INTL-0319-US	2005

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TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *89-111* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *89-111* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 91 and 100 have been considered but are moot in view of the new ground(s) of rejection. The examiner notes there is no explicit argument to claims 91 and 100, other than claims dependent upon the argued independent claims (see pg. 7 of remarks, second paragraph).

2.   Applicant's arguments filed 21 August 2006 have been fully considered but they are not persuasive.

The applicant argues that claims 89, 99, and 107 make clear that the display is switched to display another transmission, which was already taught by Daniels. The examiner notes that the applicant has made no specific argument to Daniels.

Daniels teaches storing another video transmission, when the user watches a different transmission, in that Daniels teaches the viewer can pause the display of a first program, and switch to another channel to view a different program. The paused program is recorded ... so that the viewer can resume viewing the program at any time, without missing any of it (Daniels: pg. 4, para. 0036, see also fig. 6, pg. 11, para. 120-123). Further, Daniels teaches switching back to the previous video channel in response to a user-initiated event, which equates to the claimed in response to another event, displaying at least a portion of the another video transmission that was stored during said switch.

Further, the full-screen limitation introduced in claim 89 is taught by Daniels; in

that Daniels teaches watching one show and switching to another show (pg. 4, para.

0036), which is shown in full-screen operation in figure 30.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claim 100 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

Regarding claim 100, there is no support in the specification as originally filed for:

"a user interface listing a plurality of programs that have a common characteristic, the

plurality of programs to be transmitted on different channels at an overlapping time, said

user interface to indicated an association between the more than one user selected

options and one or more of the programs listed in the plurality of programs."

The examiner notes that there exists for an EPG, initiated by a remote, and that

when the user selects a program on the screen, the user may activate the hot swap

feature, but there is no evidence that the guide has any common characteristics, nor

different channels at overlapping times, nor said user interface indicating associations

between the selected options and the programs listed.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 89-95, 97-99, 101-104, and 106-111 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Menard et al (WO 96/27840) in view of De Saint Marc (EP

0912053) and Daniels (2002/0032907)

Regarding claim 89, Menard describes simultaneous receiving, monitoring and

storing multiple video streams and alerting a user when a predetermined option (page

11 lines 29-33, monitoring streams and alerting when interest is detected, page 13 lines

14-19, storing detected video stream, page 17 lines 29-31, monitoring and watching

multiple video channels simultaneously), which equates to tuning to another, different

video transmission. Menard teaches in response to detecting an occurrence of an

event in the one transmission, providing an alert which enables to the user to switch to

displaying the one transmission from a predetermined time before the event (page 9

lines 1-7, page 11 lines 5-13, pave 13 lines 20-22, page 15 lines 17-27, page 16 lines

13-24, delay system for recording a predetermined time before the event, sending the

delayed feed to the live display), but Menard is silent on storing the another video

transmission and in response to another event, displaying at least a portion of the

another video transmission that was stored during said switch. In analogous art,

Daniels teaches storing another video transmission, when the user watches a different

transmission, in that Daniels teaches the viewer can pause the display of a first

program, and switch to another channel to view a different program. The paused

program is recorded ... so that the viewer can resume viewing the program at any time,

without missing any of it (Daniels: pg. 4, para. 0036, see also fig. 6, pg. 11, para. 120-

123). Further, Daniels teaches switching back to the previous video channel in

response to a user-initiated event, which equates to the claimed in response to another

event, displaying at least a portion of the another video transmission that was stored

during said switch. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Menard by storing the another video

transmission and in response to another event, displaying at least a portion of the

another video transmission that was stored during said switch as taught by Daniels in

order to access programming on other channels without missing any portion of the

programming of either program. The combination of Menard and Daniels teaches

storing events and switching back wherein the user request to see the another event,

which equates to the claimed in response to another event, displaying at least a portion

of the another video transmission that was stored during said switch, thereby enabling

the user to watch programs in their entirety.

Although Menard shows the ability to alert a user with a video window when a

identified streams has been matched (page 10 lines 10-16, opening up video window

when keyword found, page 13 lines 20-23), both Menard and Daniels fail to specifically

state that the alerted stream is automatically switched from the display of the another

video transmission to display the one video transmission. De Saint Marc clearly shows

completely and automatically switching from one video transmission to another when a

predetermined event that is being monitored is received (col. 3 section 0016,

automatically change channels to a channel where a goal has occurred). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Menard and Daniels with the complete, automatic channel switching of

De Saint Marc so that the system would quickly change channels and the user would

not miss an important event.

The combination of Menard, Daniels, and De Saint Marc teaches switching

channels (col. 3, section 0016, col. 9, section 0056), and switching from a full screen

display of the another to display, in full screen, the one video transmission, in that

Daniels teaches watching one show and switching to another show, which is shown in

full-screen operation in figure 30.

Regarding claim 90, Menard teaches monitoring and storing channels (page 11

lines 29-33, monitoring streams and alerting when interest is detected, page 13 lines

14-19, storing detected video stream, page 17 lines 29-31) in that the system is

constantly monitoring and storing segments for events in the one video transmission,

which equates to "again monitoring and storing one video transmission in response to

the another event."

Regarding claim 91, Menard teaches displaying one or more user interfaces to enable a user to indicate an option associated with the event in the one video transmission, and storing said option on said receiver, in that Menard shows storing a plurality of options, each associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8) and shows storing a plurality of monitored video transmissions (page 17 lines 15-29) and monitoring the transmission for a user-selected options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8). Menard is merely silent on performing actions in response to receiving a program selection from an electronic program guide. In analogous art, Daniels teaches performing actions in response to receiving a program selection from an electronic program guide, in that in figures 36 and 37, Daniels teaches selecting a program and displaying additional information and performing a record function (pg. 17, para. 0165-0166). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Menard by performing actions in response to receiving a program selection from an electronic program guide as taught by Daniels in order to provide additional functionality to the user within the existing interfaces, thereby seamlessly integrating features with a common interface for the user.

Regarding claim 92, Menard shows storing a plurality of options, each associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding Claim 93, Menard shows storing a plurality of monitored video transmissions (page 17 lines 15-29) and monitoring the transmission for a user-selected options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding claim 94, Menard teaches displaying the transmission from a predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines 5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to a time of about 45 seconds prior to the occurrence of the event.

Regarding claim 95, Menard teaches displaying the transmission from a predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines 5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to automatically queuing the stored transmission in response to detecting the event.

Regarding claim 97, Menard shows a set-top box (fig. 1 "tuner"), which equates to tuning said receiver to receive a television broadcast.

Regarding claim 98, Menard teaches storing video transmission in the mass storage device (fig. 1, 8, labels 20, 32).

Regarding claims 99 and 107, Menard shows an article comprising a medium storing instructions, enabling a processor based system to execute (page 5 lines 27-32, page 6 lines 1-10, figs. 1 and 2). Furthermore, Menard shows the ability to simultaneously receive two video transmissions on the receiver (page 17 lines 29-31, monitoring and watching multiple video channels simultaneously). Menard describes simultaneous receiving, monitoring and storing multiple video streams and alerting a user when a predetermined option (page 11 lines 29-33, monitoring streams and alerting when interest is detected, page 13 lines 14-19, storing detected video stream, page 17 lines 29-31, monitoring and watching multiple video channels simultaneously), which equates to tuning to another, different video transmission.

Menard teaches in response to detecting an occurrence of an event in the one transmission, providing an alert which enables to the user to switch to displaying the one transmission from a predetermined time before the event (page 9 lines 1-7, page 11 lines 5-13, pave 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24, delay system for recording a predetermined time before the event, sending the delayed feed to the live display), but Menard is silent on storing the another video transmission and in response to another event, displaying at least a portion of the another video transmission that was stored during said switch, and stopping the display of the other video transmission to store the other video transmission from the stop of the display

In analogous art, Daniels teaches storing another video transmission, when the user watches a different transmission, in that Daniels teaches the viewer can pause the display of a first program, and switch to another channel to view a different program. The paused program is recorded ... so that the viewer can resume viewing the program at any time, without missing any of it (Daniels: pg. 4, para. 0036, see also fig. 6, pg. 11, para. 120-123). Further, Daniels teaches switching back to the previous video channel in response to a user-initiated event, which equates to the claimed in response to another event, displaying at least a portion of the another video transmission that was stored during said switch, which reads on the claimed stopping the display of the other video transmission to store the other video transmission from the stop of the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Menard by storing the another video transmission and in response to another event, displaying at least a portion of the another video

transmission that was stored during said switch, and stopping the display of the other

video transmission to store the other video transmission from the stop of the display as

taught by Daniels in order to access programming on other channels without missing

any portion of the programming of either program. The combination of Menard and

Daniels teaches storing events and switching back wherein the user request to see the

another event, which equates to the claimed in response to another event, displaying at

least a portion of the another video transmission that was stored during said switch,

thereby enabling the user to watch programs in their entirety.

Although Menard shows the ability to alert a user with a video window when a

identified streams has been matched (page 10 lines 10-16, opening up video window

when keyword found, page 13 lines 20-23), both Menard and Daniels fail to specifically

state that the alerted stream is automatically switched from the display of the another

video transmission to display the one video transmission. De Saint Marc clearly shows

completely and automatically switching from one video transmission to another when a

predetermined event that is being monitored is received (col. 3 section 0016,

automatically change channels to a channel where a goal has occurred). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Menard and Daniels with the complete, automatic channel switching of

De Saint Marc so that the system would quickly change channels and the user would

not miss an important event.

Regarding Claim 101, Menard shows storing a plurality of monitored video transmissions (page 17 lines 15-29) and monitoring the transmission for user-selected options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding claim 102, Menard teaches displaying the transmission from a predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines 5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to a time of about 45 seconds prior to the occurrence of the event.

Regarding claim 103, Menard teaches displaying the transmission from a predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines 5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to automatically queuing the stored transmission in response to detecting the event.

Regarding claim 104, Menard shows the ability to automatically show the detected event when detected (page 13 lines 20-22, page 16 lines 13-24, page 17 lines 22-29, automatically displaying the alerted stream).

Regarding claim 106, Menard shows a delay unit, that is user configurable, to record time before the event (page 9 lines 1-7, page 11 lines 5-13, page 15 lines 18-28).

Regarding claim 108, Menard shows a television system coupled to the receiver (fig. 1 item 4).

Regarding claim 109, Menard shows the use of a keyboard (fig. 8 item 29). Menard fails to show using a remote control. Official Notice is given that it is well known and expected in the art to use a remote control. This allows a user to conveniently

control the receiver operation. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made with the ability to use a remote control

so the user would have a convenient method of control.

Regarding Claim 110, Menard shows a monitor (fig. 1 item 8).

Regarding Claim 111, Menard shows a set-top box (fig. 1 "tuner").

7.   Claims 96 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Menard et al (WO 96/27840), Daniels (2002/0032907), De Saint Marc (EP

0912053) in view of Akiba et al (6,542,695).

Regarding claim 96, Menard, Daniels, and De Saint Marc teach monitoring and

storing, but are silent on monitoring and storing while displaying. Akiba shows the

ability to store multiple video transmissions at the same time while viewing them (figs. 5-

9, col. 4 lines 10-52, col. 5 lines 1-2). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Menard, Daniels,

and De Saint Marc monitoring and storing while displaying as taught by Akiba in order

to enable the viewer to see each event while also storing the events when the user is

watching, thereby enabling the user to access events at a different time.

Regarding claim 105, Menard, Daniels, and De Saint Marc teach monitoring and

storing, but are silent on monitoring and storing while displaying. Akiba shows the

ability to store multiple video transmissions at the same time while viewing them (figs. 5-

9, col. 4 lines 10-52, col. 5 lines 1-2). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Menard, Daniels, and De Saint Marc monitoring and storing while displaying as taught by Akiba in order to enable the viewer to see each event while also storing the events when the user is watching, thereby enabling the user to access events at a different time.

8.   Claim 100 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al (WO 96/27840), De Saint Marc (EP 0912053), and Daniels (2002/0032907) in view of Lawler et al. (Lawler) (5,699,107).

Regarding claim 100, Menard teaches enabling a system to store more than one user selected option, in that Menard shows storing a plurality of options, each associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8) and shows storing a plurality of monitored video transmissions (page 17 lines 15-29) and monitoring the transmission for a user-selected options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8). Menard is silent on a user interface listing a plurality of programs that have a common characteristic, the plurality of programs to be transmitted on different channels at an overlapping time, said user interface to indicated an association between the more than one user selected options and one or more of the programs listed in the plurality of programs. In analogous art, Lawler teaches user interface listing a plurality of programs that have a common characteristic, the plurality of programs to be transmitted on different channels at an overlapping time, said user interface to indicate an association between the more than one user selected options

and one or more of the programs listed in the plurality of programs, in that Lawler teaches an EPG with the common characteristic of a time period (fig. 3), the programs transmitted on different channels at overlapping time (fig. 3), and a icons indicating an association with one or more of the programs of the plurality of programs (col. 8, ll. 32-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Menard by a user interface listing a plurality of programs that have a common characteristic, the plurality of programs to be transmitted on different channels at an overlapping time, said user interface to indicated an association between the more than one user selected options and one or more of the programs listed in the plurality of programs as taught by Lawler in order to provide the user a convenient means to traverse program information, while also permitting customization of the user experience by enabling recording and reminding of programs within a common interface (e.g. EPG).
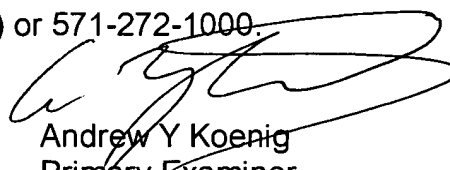
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Y Koenig
Primary Examiner
Art Unit 2623

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